

Red Cliff Band of Lake Superior Chippewas

SPECIAL COUNCIL MEETING

December 20, 2011

3:30 p.m. Legendary Waters, Buffalo Bay Grand Ballroom

Meeting called to order by Marvin Defoe, Vice-Chairman.

ROLLCALL

Rose Soulier, Not Present

Marvin Defoe, Present

Laura J. Gordon, Present

Dennis Soulier, Present

Jeanne Gordon, Present

Mike Gurnoe, Present

Joanne Peterson, Present at 3:40 p.m.

Bryan Bainbridge, Present

Robert Bear, Present

Quorum

Rose will not be present tonight. Also in attendance Mark Montano, Director of Tribal Operations, and community members.

OPENING CEREMONY

Opening Ceremony was performed by Frank Montano. A moment of silence was observed for the Timothy J. Funk family.

AGENDA

Approval of Agenda: Amendments items No. 11 & 22 move up under item no 6. Jeanne Gordon moved to approve agenda. Seconded by Dennis Soulier. Motion carried.

INDIRECT COST RATE PROPOSAL

Approval of Indirect Cost Rate Proposal Presented by Mark Montano, Diane Erickson, Lisa Bissell-Farrell and John Friel, CPA consultant attended by conference call. Proposed budget would take affect October 1, 2011 however, may not see an approval letter till June 2012. Total budget of indirect cost \$2,341,316. Dennis Soulier moved to approve the Indirect Cost Rate Proposal. Seconded by Joanne Peterson. Discussion. Motion carried.

COMMUNITY INPUT/ANNOUNCEMENTS

Patsy Ruth-DePerry questioned if the December 5, 2011 Council meeting minutes had been approved. Council stated they were not. Patsy Ruth-DePerry requested the Council and the Prevention Center mediate before going to litigation. Council members by consensus stated they would not take action on mediation. Council could not comment since it was in litigation however opportunities to mediate were taken and failed.

Cecil Peterson asked Council to help him recover properties owned by the tribe which the Fishing Committee had loaned to Apostle Island LLC in 2005. Cecil produced a list of items that were loaned to Apostle Islands LLC by Buffalo Bay Fish Company. Currently Apostle Islands LLC is being dissolved and Cecil fears the loaned items may not be returned, hid, and/or sold. Cecil

could not find the 2005 minutes by Fishing Committee; however Joanne Peterson stated Red Cliff Tribal Council minutes were available. Cecil stated he felt time was of an essence as he greatly fears the property may not be available to recoup if the situation extends past the holiday season. Marvin Defoe stated the Red Cliff Tribal Council will seek a strategy tomorrow morning.

Jeanne Gordon: There are a lot of toys left over from the Children's Tribal Christmas party. Please feel free to contact Jeanne Gordon or Susie Gurnoe at the Tribal Administration Building if interested.

Marvin Defoe: Big thank you to all those who prepared the Children's Tribal Christmas Party. Special thanks to Santa Claus & the Elves, you all did a very good job with the kids.

CASINO REPORT – Jeff Gordon and David Granados

David Granados explained casino contracts:

Dennis Soulier moved to approve the Brown-Aristocrat contract. Seconded by Jeanne Gordon. Discussion. Motion carried.

Bryan Bainbridge moved to approve the John Goettl-Spielo International contract. Seconded by Robert Bear. Motion carried.

Joanne Peterson moved to approve the Mike Biscoe-Shuffle Master contract. Seconded by Dennis Soulier. Motion carried.

Fees and freight fees are waived. Jeff Gordon stated there are minimum daily fees, 10 games kings have it and we are doing well. Also Roulette and 3 card poker machines are coming in.

INTERNET GAMING

Congress wants to legalize internet gaming. It did not get through. There are strategies tribes are trying to get ready if it goes through. Internet gaming is going to happen. It could happen within 30 days to 18 months. Big name casinos are establishing a customer base for fun right now. When the law passes its going be instant. We need to get on board now. Current legislation does not prohibit anyone from participating, thus a level playing field. Current legislation put tribes at a disadvantage. California has COPA (California Online Poker Association).

Jeff Gordon stated that on the political side, the first proposal was shot down; however the first piece of legislation that was turned down would have allowed Nevada a Monopoly in the online gaming industry by housing the site. The current bill would not have allowed any casino with less than 500 machines to participate. Red Cliff wouldn't of have a shot. It takes a minimum of 2 years to get certified for internet gaming. Nevada would have opportunity to capitalize. If we can get an internet site now, we allow clients to start earning players club points towards

jackets, stays, coupons thus starting an online cliental base. The server based program must be located within the boundaries of the reservation.

George Newago asked if Council would get a meeting together with property owners to discuss a snowmobile trail here. The property owner told Jeff Gordon the trail is available this year if discussions were started for next year. Marvin Defoe stated Council would start discussions tomorrow.

Dennis Soulier moved to go into Executive Secession. Seconded by Robert Bear. Motion carried.

Laura J. Gordon moved to return to Regular Session. Seconded by Joanne Peterson. Motion carried.

Dennis Soulier moved to approve the Casino Financial Report for October 2011 and to table the November 2011 report and bring it back to the second meeting in January 2012. Seconded by Joanne Peterson. Discussion: Motion carried.

Laura J. Gordon moved to approve Casino Budget Revision. Seconded by Jeanne Gordon. Motion carried.

Joanne Peterson moved to approve January's Casino Budget. Seconded by Mike Gurnoe. Motion carried.

COMPLIANCE REPORT – Thomas Jeffords

Thomas received a phone call from state auditors regarding the external audit and requesting an extension. The external audit is due December 28, 2011. The firm contracted to perform the external audit cannot ask for an extension but the Council can. Marvin Defoe requested Thomas to stop at the tribal offices tomorrow to seek signatures for the extension letter.

Jeanne Gordon moved to authorize the Tribal Chairperson or Vice Chairman to sign the letter requesting an extension on the external audit. Seconded by Bryan Bainbridge. Motion carried.

There will be an Exit Audit Conference here at Legendary Waters Resort Casino on January 5, 2012 at 2pm. Council is invited. Thomas has also been setting up training through NIGC. Dennis Soulier moves to approve the Compliance Report. Seconded by Robert Bear. Motion carried.

GAMING COMMISSION REPORT – Larry Deragon

Larry stated that training for new members is available at Shakopee and at Legendary Waters Resort Casino on January 5, 2012. Gaming Commission have been meeting weekly however will eventually go to bi-weekly and eventually to monthly. Dennis Soulier moved to approve the Gaming Commission report. Seconded by Bryan Bainbridge. Motion carried.

OLD BUSINESS

RED CLIFF FINANCE COMMITTEE REQUEST FOR APPROVAL (tabled 11/7/11 and 11/22/11)

Dennis Soulier moved to deny the Red Cliff Finance Committee request for approval. Seconded by Jeanne Gordon. Discussion: Motion carried.

TREASURER REPORT SEPTEMBER AND OCTOBER (tabled from 12/5/11)

Right now there is a deficit on the Turkey Giveaway. If you have not received your turkey see Jeanne Gordon by Thursday to get them on Friday. Non-member employees will be allowed to receive turkeys.

Mike Gurnoe moved to approve the September and October 2011 Treasurers report. Seconded by Laura J. Gordon. Motion carried.

NEW BUSINESS

LEASES

Dennis Soulier moved to approve the Resolution **12/20/11A** for the involuntary cancellation for Corby Gordon. Seconded by Bryan Bainbridge. Motion carried.

Dennis Soulier moved to approve the Resolution **12/20/11B** residential lease for Wanda Benton on Allen Road. Seconded by Jeanne Gordon. Motion carried.

RESOLUTION FOR SUPPLEMENTAL APPLICATION FOR \$5000 TRAINING/TECHNICAL ASSISTANCE FOR THE ECC PROGRAM

Jeanne Gordon moved to approve the Resolution **12/20/11C** for Supplemental Application for \$5,000.00 for Training/Technical Assistant. Seconded by Dennis Soulier. Motion carried.

APPROVAL OF FINAL CONTRACTS

Dennis Soulier moved to table the contracts for C & W Trucking, Bauhduin Engineering Inc. and EMR, Inc, due to no staff being there for questions, until the January 2, 2012 Council meeting. Seconded by Bryan Bainbridge. Discussion: Motion carried.

APPROVAL OF CONTRACT FOR KRECK OJARD & ASSOCIATES

Mike Gurnoe moved to approve Contract with Peter J. Marthaler with Krech Ojard and Associates, not to exceed the the amount of \$52,800.00. Seconded by Jeanne Gordon. Motion carried.

RESOLUTION PERTAINING TO BIA IRR HPP FUNDING APPLICATION

Joanne Peterson moved to approve the Resolution **12/20/11D** pertaining to BIA IRR HPP funding application with corrections. Seconded by Jeanne Gordon. Motion carried.

TENANT ASSOCIATION

Nobody was there to give report. Laura J. Gordon stated she had not heard from them.

CONSTITUTION COMMITTEE UPDATE

Steven Boyd mentioned that the committee is still meeting monthly, however we had lost a member. The committee made it through the first 5 Articles. We need community input.

AUTOMATIC ENROLLMENT

CHILDS NAME

Brayden Michael Morris
Alice Lee Youelle
Vincent Patrick Meillier
Oliver Zander Cadotte
Parker Buffet Schloemer
Madawson Gregory Topping-Thompson
Delia Zaagi Bressette
Leiam James William Hawk
Bella Lee Livingston
Claire Frances Peterson
liahna Lyric Hanson-Defoe
Jacob Anthony Cadotte
Ella Jillian Hunt

PARENTS NAME

Amanda L. Morris
Kathleen A. (Langoehr) Youelle
Cassie J. Miller
Autumn B. Montano/Garbiel E. Cadotte
Ty P. Schloemer
Chally A. Topping-Thompson
Clarissa L. (Gokee) Bressette/Edward M Bressette III
Caitlin M. Gorman/James W. Hawk
Chanell L. (Curran) Livingston/Donald E. Livingston
Keith A. Peterson
Tasha M. Hanson/Zachery A. Defoe
Joshua P. Cadotte
Christopher J. Hunt

Dennis Soulier moved to approve the Automatic Enrollments Applications. Seconded by Jeanne Gordon. Motion carried.

ETHICS CODE DISCUSSION

Jeanne Gordon moved to table the Ethics Code until the January 2, 2012 meeting. Seconded by Joanne Peterson. Motion carried.

APPROVAL OF RED CLIFF POLICE DEPARTMENT VEHICLE

Dennis Soulier moved to approve the purchase of the Red Cliff Police Department Vehicle from Ashland Ford in the amount of \$25,796.00. Seconded by Bryan Bainbridge. Motion carried.

TRIBAL COURT ROOF BID WAIVER

Dennis Soulier moved to waive the three bid requirement and to approve the Contract with Bayfield Construction in the amount of \$14,815.00. Seconded by Bryan Bainbridge. Motion carried.

RATIFY POLL

Dennis Soulier moved to ratify Council poll of **12/7/11** to waive the sealed bid process and allow for the approval to contract with Nehls & Webster Well Drilling for this project on the Piezometer well drilling. Not to exceed in the amount of \$48,000.00. Seconded by Jeanne Gordon. Motion carried.

OTHER

Jeanne Gordon moved to go into Executive Session. Seconded by Mike Gurnoe. Motion carried.

Mike Gurnoe moved to return to Regular Session. Seconded by Dennis Soulier. Motion carried.

Bryan Bainbridge moved to approve Resolution **12/20/11E** of Rehabilitation of Chris Livingston with corrections. Seconded by Robert Bear. Motion carried.

Dennis Soulier moved to go with Steven Boyd as the Road Maintenance, with Mike LaGrew as the alternate. Seconded by Joanne Peterson. Motion carried.

Mike Gurnoe moved to go with Travis Barningham as the Utility Operator. Seconded by Dennis Soulier. One Abstention Jeanne Gordon. Motion carried.

Dennis Soulier moved to go with Jeanette Hoopman as the Residential Day Treatment Assistant. Seconded by Laura J. Gordon. Motion carried.

The winners for the drawings were: 1. Pendleton Blanket – Christa Claremboux. 2. Little Bike – Susie Gurnoe. 3. Pampered Chef Grilled Press – Nelson “Sonny” Vander Venter. All the proceeds go to Lisa Gordon whom lost everything to a house fire.

Laura J. Gordon moved to adjourn. Seconded by Joanne Peterson. Motion carried.

Adjourned: 7:45 p.m.

Respectfully Submitted:

ATTEST:



Jeannie Balber
Recording Secretary



Laura J. Gordon, Secretary
Red Cliff Tribal Council